

REMARKS

Claims 1-8 are all the claims pending in the application.

Claims 1, 3, 5, 7 and 8 have been amended. The amendments are intended to broaden the scope of each of the claims.

The Examiner has rejected claims 1-4 and 8 under 35 U.S.C. § 101 (statutory double patenting). In addition, the Examiner has rejected claims 5-7 under the judicially created doctrine of obviousness-type double patenting.

The amendments to claims 1, 3 and 8 should overcome the statutory double patenting rejections of claims 1-4 and 8.

Regarding the rejections of claims 5-7, to overcome the obviousness-type double patenting rejection, and as the path of least resistance, Applicants submit herewith a suitable Terminal Disclaimer. The filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting and raises neither presumption nor estoppel on the merits of the rejection. In short, obviation of the double patenting rejection by submission of a terminal disclaimer should not be construed as an admission or acquiescence or estoppel on the merits. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392, 1394, 1395 (Fed. Cir. 1991).

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
U.S. Appln No. 10/627,735

Atty Dkt No. Q76528

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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